



ACTON PLANNING BOARD

DRAFT

Minutes of Meeting January 9, 2007 Acton Memorial Library

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chair), Mr. Edmund Starzec (Clerk), Ms. Ruth Martin, Mr. Michael Densen, and Mr. Alan Mertz attended. Also present were Town Planner, Mr. Roland Bartl and Secretary, Ms. Kim DelNigro.

Absent was Mr. Bruce Reichlen.

Mr. Niemyski called the meeting to order at 7:32 PM.

I. Citizens Concerns

Resident, Mr. William Tuffin, 23 Arlington Street, has concerns on the continuation of a public hearing and an applicant's rescheduling matter on a certain application before the Planning Board. Mr. Niemyski indicated to Mr. Tuffin that his concerns should be brought to the applicant and stated that the application can not be discussed without the applicant present.

II. Consent Agenda

Item A, Minutes of 12/12/06, Item B, Sovereign Bank Decision (07-01) – 409 Massachusetts Avenue, and Item C, Sibel Lane Subdivision – Final Bond release, all passed by unanimous vote.

III. Reports

CPC: Roland Bartl reported the CPC is hearing the CPA applicants' presentations for the upcoming year. Mr. Bartl reported that 13 CPA project applications were submitted for funding. Mr. Bartl discussed a few applications and stated there is a significantly larger amount of funding being requested than there is money available. Mr. Bartl stated the next meeting will be on January 4 and they will be interviewing more applicants.

IV. 270 Great Road – Citizens Bank Special Sign Permit

Mr. Niemyski opened the public hearing at 7:45pm. Ms. Amy Stewart, Conn Kavanaugh Rosenthal Peisch & Ford, LLP, representing the applicant, Citizens Bank, was present. Board members reviewed the application, staffs comments and a draft decision on the sign special permit to replace the existing secondary exterior wall sign located at 270 Great Road. There are currently three signs: a primary exterior wall sign over the bank entrance facing the parking lot, a secondary exterior wall sign on the side of the building facing Great Road, and a 2nd secondary exterior wall sign over the ATM facing the parking lot.

The new secondary exterior sign will be differently designed, slightly higher, and smaller than the existing sign (10 square feet in display area). The Acton Zoning Bylaw Section 7.7.7 limits secondary exterior wall signs to a display area maximum of 6 square feet. Bylaw Section 7.13.1.2.b) provides the Planning Board with the authority to grant more than twice the maximum display area allowed.

Board members raised concerns regarding:

- Remove hanging light fixtures prior to the new sign being installed.

Mr. Niemyski moved to close the public hearing, 2nd, all voted in favor.

Mr. Niemyski moved to approve the draft decision as amended, 2nd, all voted in favor.

V. 820 Main Street – Verizon Wireless Communication Facility SP – Cont. of Public Hearing

Mr. Niemyski opened the public hearing at 8:05pm. Mr. James Valeriani, Attorney at Law, representative for the applicant; Mr. David Velez, real estate group advisor for Verizon Communications were present. Board members reviewed documents and revised plans. Mr. Valeriani provided information related to the questions and issues raised at the 11/28/06 Planning Board hearing. Mr. Valeriani stated that the facility would not be proposed if his client was able to upgrade the existing equipment at 982 Main Street.

The Planning Board questions and concerns included:

- Try to pursue the issue with the landlord? (More communication is needed).
- Review the merit of both sites?
- Is there a better location for the carrier to build?
- Would a stealth pole work better?
- Concerned with having two cell towers close in location.

Abutters in attendance raised questions and concerns regarding:

- Why hasn't everyone attended the meetings? (i.e. Crown Castle)
- Safety of children. Too close to NARA.
- Why are there so many continuations of the public hearings?
- Would prefer to see a stealth pole used.
- What is the easement and right of way issue?
- What is the legal status of the existing radio tower?

The Board directed the applicant to provide plan revisions to the staff to address outstanding concerns and provide answers to the questions asked. The motion was made to continue the public hearing on February 13, 2007 at 8:45 PM. The motion passed unanimously. The Applicant signed a continuation agreement that also extends the decision deadline to March 1, 2007.

VI. 105 & 107 Summer Street Residential Compound Def. Subdivision Plan – Public Hearing

Mr. Niemyski opened the public hearing at 8:55pm. The applicants/owners Mrs. Jane Gruber, 105 Summer Street and Mrs. Meehan, 107 Summer Street were present. Mr. Rich Harrington of Stamski & McNary, Inc. provided the Board with plan revisions. The applicants are proposing a 4-lot Residential Compound. There are presently two houses on the +/- 2.85 acre parcel. The existing dwellings at 105 and 107 Summer Street will remain. Mr. Harrington has addressed the departmental comments concerning the: sidewalk requirement for the subdivision; increased minimum zoning setbacks, minimized pavement and planting three trees and three shrubs for screening.

Mr. Niemyski moved to close the public hearing, 2nd, all voted in favor.
Staff will draft a decision for next meeting.

VII. Ratify Planning 2006 Report for Inclusion Town Annual Report

Board members reviewed the document. Mr. Niemyski moved to approve, 2nd, all voted in favor,

VIII. Draft Zoning Articles, Review

Board members discussed and reviewed the draft articles for 2007 Annual Town Meeting.

- Flexible parking design – Mr. Bartl stated the Town Engineer has developed a concept for flexible parking lot requirements. The Town Engineer has been studying the parking lot behind the Town Hall and the Memorial Library where a preliminary expansion study is being worked on to see how growing demand can be met. The resulting flexible design seems to have less impervious cover and more continuous open space and landscaping area. There would be less drainage provisions and it would be less tolling on resources. Parking lots are

built or expanded under a special permit or site plan where the Town Boards' discretionary powers to approve or deny a flexible design alternative already exists. Board members stated the special permit would work well for municipal parking lots.

- Tear-downs and reconstruction on undersized lots – Mr. Bartl stated that houses on nonconforming lots cannot be razed and replaced without a variance from the Board of Appeals. Variances are for hardship establishing cases, but these situations do not typically qualify as hardships. Mr. Bartl suggested a special permit with certain criteria that take into account the nonconforming lot status and neighborhood context in terms of size, bulk and setbacks. Board members questioned if the house was larger than the lot. A special permit is needed by the Board of Appeals for each case that is presented to them.
- Owner Occupancy in Multi-Family Residence – Mr. Bartl stated that owner occupancy in multi-family residences is a zoning requirement in only two of Acton's Zoning Districts where multifamily uses are allowed. Mrs. Nancy Tavernier, Chairman for Acton Community Housing Corporation (ACHC) was present. Mrs. Tavernier recommended the deletion of the requirement because it acts as barrier to affordable housing. She would suggest working toward new concepts to encourage affordable housing. Board members requested to have the item removed.
- Cell Towers - Mr. Bartl and Chairman Niemyski introduced several proposed changes in the zoning rules and regulations for cell towers. A citizen's petition has been filed to prohibit wireless communication facilities in residential districts and within 1000 feet of certain school and municipal properties.

Mr. Schaffner moved to close the meeting, Mr. Starzec 2nd; all voted in favor.

The meeting adjourned at 9:40PM.